

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

TAFATOLU SAMOA NAEA

PLAINTIFF

v.

No. 2:05CV59-P-B

CORRECTIONS CORP. OF AMERICA

DEFENDANT

MEMORANDUM OPINION

The court, *sua sponte*, considers this *pro se* prisoner case filed under 42 U.S.C. § 1983 for dismissal. The plaintiff's claims arise out of a slip-and-fall accident on the stairs at the Tallahatchie County Correctional Facility. The plaintiff claims that various prison officials were negligent in failing to install appropriate slip guards on the stairs.

The plaintiff's claims sound wholly in negligence, and negligent conduct by prison officials does not rise to the level of a constitutional violation. *Daniels v. Williams*, 474 U.S. 327, 106 S.Ct. 662 (1986), *Davidson v. Cannon*, 474 U.S. 344, 106 S.Ct. 668 (1986). For this reason, all of the plaintiff's claims should be dismissed for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. § 1915(e)(2)(B)(ii).

SO ORDERED, this the 28th day of April, 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE